

7-24-07

JAC

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/607,227

Filing Date

06/30/2000

First Named Inventor

Charles C. Freeny, Jr.

Art Unit

2144

Examiner Name

T. Nguyen

Attorney Docket Number

2551.042

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation of POA,
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

See Remarks

Remarks

1. Petition for Reconsideration of Holding of Abandonment on the Basis that Proper Reply to Outstanding PTO Requirement was Mailed-Return Postcard Received (with Exhibits A, B, C) 9 pages);
2. Transmittal Form (1 page);
3. Credit Card Payment Form (1 page);
4. Fee Transmittal (1 page); and
5. Postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

DUNLAP, CODDING & ROGERS, P.C.

Signature

Marc Brockhaus

Printed name

Marc A. Brockhaus

Date

7-23-2007

Reg. No.

40,923

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: *** SENT BY EXPRESS MAIL NO. EV616010951US***

Signature

Marc Brockhaus

Typed or printed name

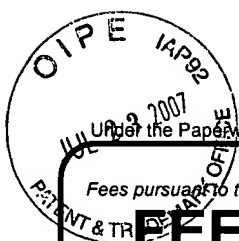
Marc A. Brockhaus

Date

7-23-2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2007☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **130.00****Complete if Known**

Application Number	09/607,227
Filing Date	06/30/2000
First Named Inventor	Charles C. Freeny, Jr.
Examiner Name	T. Nguyen
Art Unit	2144
Attorney Docket No.	2551.042

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = 0	x	=	0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP = 0	x	=	0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = 0	/ 50 = 1	(round up to a whole number) x	=	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Reconsideration of Holding of Abandonment

Fees Paid (\$)

130.00

SUBMITTED BY

Signature	Marc Brockhaus	Registration No. (Attorney/Agent)	40,923	Telephone	405-607-8600
Name (Print/Type)	Marc A. Brockhaus			Date	7-23-2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPRESS MAIL NO.: EV 616010951 US
DEPOSITED ON: July 23, 2007

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Charles C. Freeny, Jr.)	Art Unit:	2144
)		
Serial No.:	09/607,227)	Examiner:	T. Nguyen
)		
Filed:	June 30, 2000)	Atty. Dkt. No.:	2551.042
)		
For:	AUTOMATED DATA)		
	DELIVERY SYSTEMS)		

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Pursuant to Section 711.03 of the Manual of Patent Examining Procedure, Applicants respectfully request reconsideration of the holding of abandonment in the above referenced application. This request is being submitted promptly after applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the PTO on June 14, 2007. The Examiner held the application abandoned for failure to reply to the Office letter mailed on October 5, 2005. Applicants respectfully submit that there is no basis for abandonment, for the following reasons:

(1) On October 20, 2005, applicant Express mailed the Response to the Interview Summary under 37 C.F.R. § 1.10 with a return postcard. As required by MPEP § 503, the return post card contained the following information: applicant's name, title of the invention, number of pages, serial number, filing date, and attorney docket number. The return post card also requested the acknowledgment of the receipt of the following documents: "Interview Summary (2 pages); Fee Transmittal (1 page); Transmittal Form (1 page); and Postcard." Said receipt of the documents was to be acknowledged by stamping the return post card with the date received and returning it to Applicant's attorneys office.

(2) Applicant's return post card was stamped in the mail room of the U.S. Patent and Trademark Office with the date October 20, 2005. The stamped return post card was received by applicant's attorney on October 29, 2005.

(3) Section 503 of the Manual of Patent Examining Procedure states: "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

(4) Applicants submit herewith as Exhibit A a copy of the return post card received from the U.S. Patent and Trademark Office, acknowledging the receipt of the above-referenced documents. Applicants respectfully submit that this return post card receipt properly itemizes and properly identifies the papers which were filed on October 20, 2005 and serves as prima facie evidence of receipt of all documents listed thereon on the date stamped by the United States Patent and Trademark Office.

(5) Applicants also submit herewith as Exhibit B a copy of the papers sent to the U.S. Patent and Trademark Office on October 20, 2005, which were acknowledged as received in the USPTO on October 20, 2005.

(6) Applicants also submit herewith as Exhibit C a copy of the Express Mail receipt indicating mailing of the papers to the U.S. Patent and Trademark Office on October 20, 2005.

Applicants respectfully request reconsideration of the holding of abandonment of the above-referenced application, and request immediate re-instatement of the application to an active status. Applicants further submit that the above-referenced application should properly continue to issuance.

Enclosed is the applicable petition fee. However, applicant respectfully requests return of said fee in consideration of circumstances established above documenting

compliance with all applicable requirements as set forth in the MPEP.

Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

Marc Brockhaus

Marc A. Brockhaus, Reg. No. 40,923
DUNLAP, CODDING & ROGERS, P.C.
1601 NW Expressway, Suite 1000
Oklahoma City, Oklahoma 73118
(405) 607-8600
Attorney for Applicant

EXHIBIT

tabbier

A

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PATENT

EXPRESS MAIL NO: EV 416036074 US; CUSTOMER NO. 30589

Applicant: Charles C. Freeny, Jr.
Serial No.: 09/607,227
Filed: June 30, 2000

Atty. Dkt.: 2551.042
Examiner: Thanh T. Nguyen
Art Unit: 2144
Confirmation No. 8549

Title: **AUTOMATED DATA DELIVERY SYSTEM**

Sir: Please acknowledge receipt of the following by stamping this card with the date received and returning it to me:

1. Interview Summary (2 pages);
2. Fee Transmittal (1 page);
3. Transmittal Form (1 page); and
4. Postcard.

Marc A. Brockhaus, Reg. No. 40,923
October 20, 2005
(MAB/mjr)



DUNLAP, CODDING & ROGERS, P.C.

P. O. Box 16370

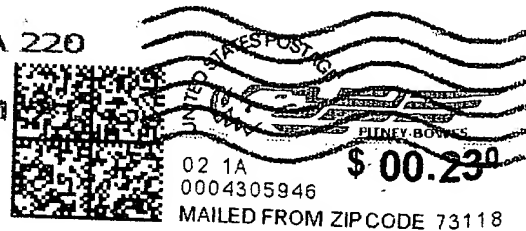
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NO VA 220

25 OCT 2005 PM

**DUNLAP, CODDING
& ROGERS, P.C.**

OCT 29 2005



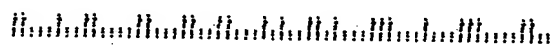
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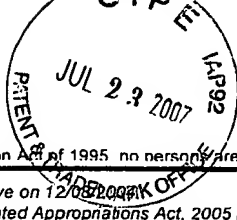
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/607,227
	Filing Date	06/30/2000
	First Named Inventor	Charles C. Freeny, Jr.
	Art Unit	2144
	Examiner Name	T. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	2551.042

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation of POA, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> EXHIBIT <div style="border: 1px solid black; padding: 2px; display: inline-block;">B</div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Remarks 1. Interview Summary (2 pages); 2. Fee Transmittal (1 page); 3. Transmittal Form (1 page); and 4. Postcard. </div> </div>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	DUNLAP, CODDING & ROGERS, P.C.	
Signature	<i>Marc Brockhaus</i>	
Printed name	Marc A. Brockhaus	
Date	10/20/2005	Reg. No. 40,923

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: *** Express Mail No. 416036074 US ***			
Signature	<i>Marc Brockhaus</i>		
Typed or printed name	Marc A. Brockhaus	Date	10/20/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/01/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number	09/607,227
Filing Date	06/30/2000
First Named Inventor	Charles C. Freeny, Jr.
Examiner Name	T. Nguyen
Art Unit	2144
Attorney Docket No.	2551.042

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	0	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

Signature	<i>Marc Brockhaus</i>	Registration No. (Attorney/Agent)	40,923	Telephone	(405) 607-8600
Name (Print/Type)	Marc A. Brockhaus	Date	10/20/2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Express Mail No.: EV 416036074 US
Date Mailed: October 20, 2005



Practitioner's Dkt. No.: 2551.042
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles C. Freeny, Jr.

Group Art: 2144

Application No.: 09/607,227

Examiner: T. Nguyen

Filed: June 30, 2000

Confirmation No. 8549

For: AUTOMATED DATA DELIVERY SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

In response to the Interview Summary form mailed on September 22, 2005, the Applicant's attorney submits the following:

The interview occurred on September 7, 2005.

The interview was a telephonic interview.

The participants at the interview were Examiner Thanh Nguyen, Marc Thompson, and the Applicant's attorney Marc Brockhaus, Reg. No. 40,923.

No exhibits were shown or discussed.

Claims 1 and 24, were discussed.

The prior art discussed was Conrad et al. U.S. Patent No. 6,028,605.


Agreement was not reached on the patentability of any particular claims.

The parties discussed the Conrad et al. reference with respect to the features recited in claim 1. The parties also discussed the rather large amount of claims pending in the present patent application. Examiner Thompson and the undersigned discussed simplifying the claims pending in the patent application to be directed to a common grouping, even though a restriction requirement had not been entered in the patent application.

The Amendment filed on September 12, 2005 in response to the non-final Office Action dated March 11, 2005 is believed to be consistent with the discussions during the Examiner interview.

The foregoing is intended to be a complete summary of the Interview which occurred on September 7, 2005. Should the Examiner have any comments or questions regarding the foregoing, Applicant's attorney is happy to discuss same with the Examiner.

Respectfully submitted,



Marc A. Brockhaus, Reg. No. 40,923
DUNLAP, CODDING & ROGERS, P.C.
P.O. Box 16370
Oklahoma City, Oklahoma 73113
Telephone: (405) 607-8600
Facsimile: (405) 607-8686

Attorney for Applicant(s)



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